

# IN THE UNITED STATES COURT OF FEDERAL CLAIMS

## OFFICE OF SPECIAL MASTERS

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LOUIS TOSCHES, III, a minor, by and  
through his parent and natural guardian,  
LOUIS TOSCHES, II,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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No. 06-192V  
Special Master Christian J. Moran

Filed: April 4, 2008

Attorneys' fees; Amount to Which  
Respondent Has Not Objected

*Ronald C. Homer, Esq., Conway, Homer & Chin-Caplan, P.C., Boston, MA., for petitioner;  
Chrysovalantis P. Kefalas, United States Dep't of Justice, Washington, D.C. for respondent.*

### ATTORNEYS' FEES AND COSTS DECISION\*

Petitioner, Louis Tosches, II, as representative of his son, Louis Tosches, III, seeks reimbursement for his attorney's fees and costs. The Court awards the amount to which respondent has not objected.

Petitioner filed an application for attorney's fees and costs on March 18, 2008 and later filed an unopposed application for attorney's fees and costs on March 24, 2008. In this report, petitioner requested **\$62,318.25** in attorney's fees and **\$20,401.78** in attorney's costs. Respondent indicated that he did not object to this request. Additionally, petitioner filed a statement of costs in compliance with General Order No. 9, stating that he incurred **\$851.01** in litigation costs.

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\* The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, the person submitting the information has 14 days to identify and to move to delete such information before the document's disclosure. If the special master agrees that the identified material fits within the categories listed above, the special master shall redact such material from public access.

42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b).

After reviewing the request, the court awards **\$83,571.04** in attorney's fees and other litigation costs. This amount shall be divided into two parts: **\$82,720.03** shall be made payable to Mr. Tosches and his law firm, Conway, Homer & Chin-Caplan, P.C.; the remaining **\$851.01** shall be made payable to Mr. Tosches. The court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.<sup>1</sup>

**IT IS SO ORDERED.**

S/ Christian J. Moran

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Christian J. Moran  
Special Master

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<sup>1</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.